

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

YUE WU,

Defendant.

NO. CR14-306RAJ

UNITED STATES'
SENTENCING MEMORANDUM

I. Introduction.

The United States of America, by and through Annette L. Hayes, United States Attorney for the Western District of Washington, and Todd Greenberg, Assistant United States Attorney, hereby files this Sentencing Memorandum regarding defendant Yue Wu. The government recommends that the Court sentence the defendant to a term of imprisonment of 24 months, and a term of supervised release of three years, with all of the conditions of supervised release recommended by the Probation Office.

II. The Facts of the Case.

The facts of this case are summarized in the Presentence Report (§§ 6-15) and in the extensive Statement of Facts contained in the Plea Agreement (§ 9). As detailed therein, Yue Wu went through extensive and surreptitious efforts to obtain restricted

1 technologies, that is, military-grade accelerometers, and smuggle them from the United
2 States to China. An accelerometer is a device that measures acceleration, and they come
3 in a wide variety of technological specifications and are used in many different
4 applications, both civilian and military. The particular accelerometers that Wu was
5 attempting to smuggle to China were very sophisticated devices that were developed for
6 low- and zero-gravity inertial navigation systems that are used primarily in spacecraft and
7 satellites. Because of this, these types of accelerometers were designated on the United
8 States Munitions List (“USML”), and thus could not be exported from the United States
9 without a license from the State Department.¹ They are in high demand by countries
10 such as China and Iran. That is why Wu went to such great lengths to acquire and
11 smuggle the accelerometers, and why he was willing to pay up-front for one of the
12 devices as a “sample” product.

13 **III. The Sentencing Guidelines Calculations.**

14 The government has no objections to the Sentencing Guidelines calculations set
15 forth in the Presentence Report. We concur that the defendant has a total offense level
16 of 23, a Criminal History Category of I, and an advisory sentencing range of 46-
17 57 months.

18 **IV. Sentencing Recommendation.**

19 In view of the various sentencing factors found at Title 18, United States Code,
20 Section 3553(a), the government recommends that the Court impose a sentence of
21 24 months in prison and a term of supervised release of three years.

22 This is a very serious offense and thus the nature of circumstances of the criminal
23 conduct call for a substantial punishment. Wu attempted to smuggle sophisticated
24 accelerometers, which are controlled by the International Traffic in Arms Regulations
25 (“ITAR”), to the People’s Republic of China, obviously a non-ally country. These items
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27 ¹ The State Department would not grant a license authorizing the export of these accelerometers
28 to China. *See* 54 Fed. Reg. 24539 (imposing embargo on export to China of USML articles and
services); *see also* 22 C.F.R. § 126(a) (codifying embargo).

1 are subject to the most restrictive conditions on export because they are military defense
2 items that have the potential to harm the national security of the United States if they fall
3 into the wrong hands. *See generally Karn v. U.S. Dept. of State*, 925 F. Supp. 1, 6
4 (D.D.C. 1996) (“The AECA was enacted to permit the Executive Branch to control the
5 export and import of certain items in order to further ‘world peace and the security and
6 foreign policy’ of the United States.”), *remanded on other grounds by* 107 F.3d 923
7 (D.C. Cir. 1997). Indeed, the parts that Wu attempted to smuggle are in high demand by
8 China, given the superiority of United States technology and manufacturing in this area.
9 Through his actions, Wu worked to undermine this edge by the United States.

10 Moreover, Wu’s conduct spanned over a lengthy period of numerous months, and
11 was undertaken willfully and with bad intent. He clearly knew what he was doing was
12 illegal, and he suggested numerous surreptitious methods by which the accelerometers
13 could be smuggled into China without detection by law enforcement authorities.

14 This case also calls for a substantial sentence in light of the important purpose of
15 general deterrence in this area of the law. A significant sentence is necessary to deter
16 others from simply taking Wu’s place and resuming his efforts to acquire restricted parts
17 on behalf of actors in China. There is a long history of individuals in China tasking
18 people to acquire parts from the United States that are barred from export to China. This
19 Court’s sentence will send a strong message to others who are prepared to play this role.

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1 **V. Conclusion.**

2 For all of the reasons set forth above, and for the additional reasons that will be set
3 forth by the government at the sentencing hearing in this matter, we respectfully
4 recommend that the Court sentence the defendant to a term of imprisonment of 24
5 months of imprisonment, and a three-year term of supervised release, with all of the
6 conditions of supervised release recommended by the Probation Office.

7 DATED this 14th day of August, 2015.

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9 Respectfully submitted,

10 ANNETTE L. HAYES
11 United States Attorney

12 /s/ Todd Greenberg
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